

REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action. In particular, Applicants note that Claims 26-30 are indicated as including patentable subject matter in the Office Action. Office Action, p. 8. Applicants submit that the present rejections should be withdrawn for at least the reasons discussed below.

The Prior Art Rejections:

Claims 1, 3-25 and 31-41 appear to stand rejected under 35 U.S.C. § 102 as anticipated by United States Patent Application Publication No. 2002/0188259 to Hickie *et al.* ("Hickie"). Office Action, p. 3. However, while under a Section 102 heading and including the assertion that these claims are "anticipated," the first paragraph at page 3 of the Office Action states "103(e)." Nonetheless, given the context of this statement and the detailed discussion of the rejections in the Office Action, Applicants treat these rejections as anticipation rejections herein. Claim 2 stands rejected under 35 U.S.C. § 103 as being unpatentable over Hickie in view of United States Patent Application Publication No. 2002/0087362 to Cobb *et al.* ("Cobb"). Office Action, p. 2.

Claims 26-30 Are in a Form Indicated as Allowable:

Claims 26 and 30 have been amended above to place them in independent form. Accordingly, Claims 26-30 are in a form indicated as allowable in the Office Action and Applicants request an indication of allowance of these claims.

Independent Claim 1 is Patentable Over the Cited Art:

Claim 1 has been amended above to include recitations related to a directory services query module and network interface configured to obtain information from a remote directory service "independent of information contained in the received batch status request." Such embodiments are illustrated, for example, in Figure 3 of the present application and described, among other places, at page 13, lines 17-30. Thus, as recited in Claim 1, in some embodiments of the present invention, batch information for different vendors may be

obtained from remote directory services by a directory service query module that identifies the remote directory service and a network interface that is configured to access the remote directory service.

In contrast, Hickle relies on placing intelligence on the medical supplies, components or devices using smart data carrier tags. Hickle, Paras. 31-32. Rather than identifying remote locations of batch information at a directory services query module receiving a request, Hickle suggests use of the smart data carrier tag to provide this information. As stated in Hickle:

The list of unique identification numbers and/or batch numbers of the recalled products could be downloaded from the Internet or Web to the medical device system to provide worldwide, quasi-instantaneous and timely dissemination of specific information regarding recalled products, as the information is being updated at a manufacturer's or regulatory agency's web site. **The tag may also include among its stored data an address such as a Universal Resource Locator (URL) where updated information about a tagged product such as recall status and newly discovered data such as contra-indications (not to be used with certain drugs, patients, environments or conditions).**

Hickle, Para. 32 (emphasis added). Thus, if anything, Hickle teaches away from the present invention as recited in Claim 1 as it suggests use of a smart data carrier tag rather than a directory service as recited in Claim 1. Accordingly, the rejection of Claim 1 and the claims that depend therefrom should be withdrawn for at least these reasons.

Independent Claims 6, 35 and 39 are Patentable Over the Cited Art:

Independent method Claim 6 has been amended above to recite that the batch status information includes "a certification of a trusted entity providing the batch status information and/or a signature of an inspecting authority generating the batch status information." Similar amendments have been made to corresponding system and computer program product Claims 35 and 39. Corresponding recitations are found in original Claims 18 ("certification") and 19 ("signature"). In rejecting Claims 15-20, the Office Action states Hickle discloses "that the manufactures of the products authorized the recalls (paragraph 13), regulation authority authorized the recalls (see paragraph 61) which thus would embrace all limitations set forth in

these claims." As an initial matter, Applicants note that such generalizations are clearly insufficient for an anticipation rejection as applied in this case. Furthermore, the recited "certification" and "signature" of Claims 6, 35 and 39 have well known and distinct meanings in the computer security area. Based on the generalizations used in the Office Action, they are not only not being given these clearly understood meanings, they are being treated as interchangeable terms, which is clearly an overly broad interpretation. As defined, for example, in the Microsoft Computer Dictionary ("Dictionary," copy attached hereto), these terms mean as follows:

1) certification: The issuance of a notice that a user or site is trusted for the purpose of security and computer authentication. Often certification is used with Web sites. Dictionary, pp. 84-85.

2) signature: 1. A sequence of data used for identification, such as text appended to an e-mail message or fax. 2. A unique number built into hardware or software for authentication purposes. Dictionary, p. 435.

There appears to be no disclosure or suggestion of any such signature or certification in Hickie. Accordingly, the rejections of independent Claims 6, 35 and 39 and the claims that depend therefrom should be withdrawn for at least these reasons.

Independent Claims 31, 38 and 40 are Patentable Over the Cited Art:

Independent method Claim 31 has been amended above to recite "identifying a vendor associated with the product" and "identifying a remote directory service" where "no identification of a source of batch identification information" is provided in the batch status request. Claims 38 and 40 have been amended to include corresponding system and computer program product recitations. Accordingly, the rejections of Claims 31, 38, 40 and the claims that depend therefrom should be withdrawn at least for reasons substantially similar to those discussed above with reference to Claim 1.

The Dependent Claims are Patentable Over the Cited Art:

The dependent claims are patentable at least based on their dependence from one of

the patentable independent claims discussed above. In addition, various of the dependent claims are also separately patentable. For example, Claims 20-21 include various recitations related to consumer appliances, cooking appliances and food storage appliances. The Office Action asserts that such recitations are disclosed by the reference in paragraph 15 of Hickle to consumable products, "which would embrace a consumer applicant, product features as recited in these claims." Office Action, p. 6.

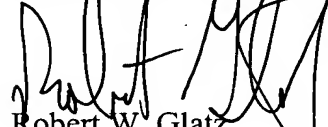
The portion of Hickle relied on states "[t]he various information tracking and identification functions described above are made possible by a means of marking medical devices, system components, disposables, consumables, or other products with an indicator or "smart" tag." Hickle, Paragraph 15. However, all of the information tracking and identification described relates to the medical field and dispensing of medicine and the like. The Abstract of Hickle specifically states the "providing medical treatments" context of the entire description. Applicants' undersigned representative found no discussion in Hickle of extensions to a "consumer appliance" (as recited in Claim 20), nonetheless to a cooking or food storage appliance (as recited in Claim 21). The smart tag of Hickle is largely directed to medical specific uses, with recalls being simply one extension of this context. *Compare*, Hickle, Paragraphs 9-14 *with* the last sentence of Paragraph 13. In this context, the reference to "consumables, or other products" relied on in the rejection would clearly be understood by one of skill in the art as "medical" consumables and other products. In other words, grammatically, the term "medical" is a modifier of all the following listed items. Thus, the recitations of Claims 20-24 are neither disclosed nor even suggested by Hickle. Accordingly, Claims 20-24 are also separately patentable for at least these additional reasons.

CONCLUSION

Applicants respectfully submit that, for the reasons discussed above, the references cited in the present rejections do not disclose or suggest the present invention as claimed. Accordingly, Applicants respectfully request allowance of all the pending claims and passing this application to issue.

In re: Kuehr-McLaren et al.
Serial No. 10/646,963
Filed: August 22, 2003
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Respectfully submitted,

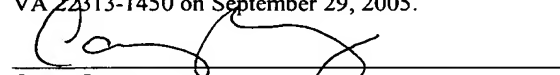


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